

Guideline to Public Access and Walking Access over Land and to Areas of Significance

Version 1.0

Overseas Investment Office

25 August 2005

GUIDELINE TO PUBLIC ACCESS AND WALKING ACCESS OVER LAND AND TO AREAS OF SIGNIFICANCE

- 1 A range of existing legal arrangements, commonly referred to as the “Queen’s Chain”, has resulted in approximately 70% of land abutting New Zealand’s coast, lakes and rivers being in some form of public ownership or subject to statutory access provisions. Due to the historical nature that led to the formation of these interests in land, many of the access points do not form a cohesive network because they are interspersed by privately owned land, or have been made ineffective by natural processes such as erosion. The Government’s objective is to achieve high quality access for walking.
- 2 New Zealand does not have a network of public rights of way across private land, nor does the public have a “right to roam” over private land. Access across private land has been a matter of agreement between landowners and people who enjoy the outdoors. Historically land owners have, upon request, been willing to provide access to areas of interest such as water margins, publicly owned conservation land, and sites of historic and cultural importance (including wahi tapu). Informal agreements between the public and landowners exist all over New Zealand.
- 3 Legislation such as the New Zealand Walkways Act 1990 to “*establish walking tracks over public and private land so that the people of New Zealand shall have safe, unimpeded foot access to the countryside for the benefit of physical recreation as well as for the enjoyment of the outdoor environment and the natural and pastoral beauty and historical and cultural qualities of the areas they pass through*” exist to enable the negotiation of formal walking access.
- 4 In the absence of such access, the Government encourages landowners to provide walking access to areas of significance and public interest. Section 17(2)(b) of the Overseas Investment Act tests whether there will be adequate mechanisms for providing, protecting, or improving walking over relevant parts of the land.
- 5 Formal mechanisms for access include the creation of walkways under the New Zealand Walkways Act 1990. Applicants for consent to overseas investment in sensitive land can demonstrate their intention to provide, protect, and improve public walking access along and to water margins on land they are intending to purchase by agreeing to:
 - allow *appropriate* access over the property to specific sites of public interest (such as lakes and mountain passes, other publicly owned land) and to adjoining public land where no formal arrangements currently exist;
 - allow access along the margins of certain rivers and waterways;
 - establish tracks and signs to assist the public to navigate on the property where necessary; and
 - ensure any existing or new tracks or walkways on the property have signs in appropriate locations advising the public.